

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA  
*ex rel.*, FOX RX, INC.,

Plaintiffs,

v.

OMNICARE, INC.,  
NEIGHBORCARE, INC.,  
PHARMERICA CORP., and  
MHA LONG TERM CARE NETWORK,

Defendants.

Civil Action No.:  
1:12-CIV-00275-DLC

**DECLARATION OF DANIEL S. RUZUMNA IN SUPPORT OF  
MANAGED HEALTHCARE ASSOCIATES LONG TERM CARE  
NETWORK INC.'S APPLICATION FOR ATTORNEY'S FEES AND EXPENSES**

DANIEL S. RUZUMNA hereby declares under penalty of perjury pursuant to 28 U.S.C.  
§ 1746 as follows:

1. I am a partner of the law firm of Patterson Belknap Webb & Tyler LLP  
("Patterson Belknap"), attorneys for defendant Managed Health Care Associates Long Term  
Care Network, Inc.'s ("MHA LTC"). I am a member of the bar of the Southern District of New  
York. I submit this declaration in support of MHA LTC's Application for Attorney's Fees and  
Expenses. I am aware of the facts stated below based on my own personal knowledge and on my  
review of the attached materials.

**Patterson Belknap's Services, Fees and Expenses**

2. Patterson Belknap is a leading law firm of approximately 200 attorneys in New  
York City, having particular expertise in litigation. We are regularly engaged by Fortune 500  
companies to handle their most important matters.

3. Attached hereto as **Exhibit 1** is a compilation of the time entries reflecting the fees and expenses of Patterson Belknap in this case from January 10, 2014 through October 31, 2014. Every Patterson Belknap attorney, legal assistant and support staff member records his or her billable time, to the tenth of an hour, spent on a case together with a description of the work that was done. At our firm this record is called a “daynote.”

4. Individual daynotes are entered into the firm’s billing system, where each separate matter has an assigned client and matter number for billing purposes. At the end of each month, the total number of hours spent by each attorney, paralegal or litigation support staff member is multiplied by the hourly rate for that individual. The time entries form the basis for an invoice to the client.

5. Before Patterson Belknap submits an invoice to a client, it is reviewed internally, usually by the billing partner, to confirm the reasonableness of the time worked on the matter and the expenses incurred and the corresponding amount billed. I personally reviewed and found reasonable all of the time entries and disbursements included in Exhibit 1 on a monthly basis over the period from January 10, 2014 to October 2014.

6. All of the time entries and disbursements included in Exhibit 1 were submitted by me directly to the electronic billing system for MHA LTC’s ultimate corporate parent, Roper Industries. The relevant accounts payable department did not question any amounts billed by Patterson Belknap and authorized payment in full to the Patterson firm on MHA LTC’s behalf.

7. The total of the relevant fees and expenses billed to MHA LTC after January 10, 2014 by Patterson Belknap in connection with this case is \$168,967.61. Approximately \$33,000 of this total amount was billed after this Court’s August 12, 2014 decision granting MHA LTC’s Motion to Dismiss the Second Amended Complaint, and covers work related to Fox Rx, Inc.’s

potential appeal, the scheduled mediation in front of Magistrate Judge Fox, and MHA LTC's motion seeking attorney's fees and expenses.

8. The following attorneys at Patterson Belknap worked on this case:

Name	Position	Law School	J.D. Received	Profile Exhibit
Adam Blumenkrantz	Associate	University of Michigan School of Law	2006	Exhibit 3
Aileen Fair	Associate	University of Pennsylvania Law School	2010	Exhibit 4
Daniel S. Ruzumna	Partner	University of Michigan School of Law	1994	Exhibit 2

9. The Patterson Belknap attorneys who worked on this case, the number of hours spent by each, and the total rate incurred during the course of the case are set forth on page 7 in Exhibit 1.

10. True and correct copies of profiles from Patterson Belknap's website for each of the attorneys who worked on the case are attached as **Exhibits 2-4**.

11. The rates charged by Patterson Belknap were reasonable and lower than the average rates of peer firms in New York City.

12. The accounting firm PricewaterhouseCoopers ("PwC") collects data from various law firms and provides averages to subscribers of its service. Patterson Belknap subscribes to this service in the regular course of business in order to ensure that its rates are reasonable and competitive.

13. PwC's statistics show that in 2014, the average New York City firm within Patterson Belknap's peer group charged \$942 per hour for partners for non-IP litigation. Patterson Belknap charged MHA LTC substantially less for my services—\$836 per hour.

14. PwC's statistics for 2014 also list average associate rates depending on class year. The rates Patterson Belknap charged to MHA LTC during 2014 compare favorably to the rates listed by PwC for firms in Patterson Belknap's peer group:

<b>Associate Year</b>	<b>Rate Charged to MHA LTC by Patterson Belknap</b>	<b>Average New York City Peer Group Firm Rate (Non-IP)</b>
1 <sup>st</sup>	N/A	\$395
2 <sup>nd</sup>	N/A	\$473
3 <sup>rd</sup>	N/A	\$550
4th	\$541.50	\$593
5th	N/A	\$619
6th	N/A	\$670
7th	N/A	\$688
8th	\$631.75	\$695

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: New York, New York  
December 12, 2014

/s/ Daniel S. Ruzumna

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Daniel S. Ruzumna